

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

ERNEST KEVIN TRIVETTE, *et al.*,

Plaintiffs,

v.

TENNESSEE DEPARTMENT OF  
CORRECTION,

Defendant.

Civil No. 3:20-cv-00276

**Judge Trauger**

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**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

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Plaintiffs Disability Rights Tennessee (“DRT”), Ernest Trivette, Jason Collins, Alex Stinnett, Thomas White, and Lakeevious Owens, by and through counsel, respectfully submit this Memorandum in Support of their Motion for Partial Summary Judgment on the grounds that Defendant Tennessee Department of Correction (“TDOC”) violates Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act by:

- failing to adequately assess deaf prisoners for communications abilities and accommodation needs;
- failing to provide deaf prisoners sufficient and reliable access to sign language interpreters for substantive communications; and
- failing to provide deaf prisoners sufficient and reliable access to videophones.

Plaintiffs respectfully request that this Court enter judgment in their favor on these issues, reserving for later proceedings questions relating to remedies.

Plaintiffs’ Motion is based on the undisputed facts set forth in the Plaintiffs’<sup>1</sup> 56.01(b) Statement of Undisputed Facts in Support of Their Motion for Partial Summary Judgment (“PSF”) and the legal arguments set forth in their Memorandum in Support of Plaintiffs’ Motion for Partial Summary Judgment.

“Plaintiffs’ desire for equally effective means of communication is not just an aspiration – it is the law.” *McBride v. Michigan Dep’t of Corr.*, 294 F. Supp. 3d 695, 706 (E.D. Mich. 2018). While Plaintiffs cite a number of cases below, they respectfully call the Court’s attention to two cases where summary judgment was granted to deaf incarcerated plaintiffs under Title II. Those two cases, taken together, thoroughly address the issues covered in this Motion: In *Pierce v. District of Columbia*, 128 F. Supp. 3d 250 (D.D.C. 2015), then-Judge Ketanji Brown Jackson granted summary judgment based on the prison’s failure to evaluate the deaf plaintiff’s abilities and accommodation needs; in *McBride*, the court granted summary judgment as to the need for videophones and for interpreters for high-stakes interactions.

For these reasons, Plaintiffs respectfully request that this Court grant summary judgment in their favor on the issues listed on the first page of this Motion.

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<sup>1</sup> This Motion, the supporting Memorandum, and Plaintiffs’ Rule 56.01 Statement will use the word “Plaintiffs” to refer to the plaintiffs filing this motion: Plaintiffs Trivette, Collins, Stinnett, White, and Owens, and DRT.

Respectfully submitted,

FOX AND ROBERTSON, PC

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November 15, 2023

**CERTIFICATE OF SERVICE**

I certify that, on November 15, 2023, I served the foregoing document upon all parties herein by e-filing with the CM/ECF system maintained by the court which will provide notice to the following:

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